

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

<p>-----</p> <p>ERNESTO DARQUEA, on behalf of himself and all others similar situated</p> <p>Plaintiff,</p> <p>- against -</p> <p>VIISAGE TECHNOLOGY, INC., BERNARD C. BAILEY, WILLIAM K. AULET and DENIS K. BERUBE,</p> <p>Defendants.</p> <p>-----</p>	<p>Civil Action No. 1:05-CV-10438 (MLW)</p>
<p>-----</p> <p>GERALD D. BRODER, on behalf of himself and all others similarly situated,</p> <p>Plaintiff,</p> <p>- against -</p> <p>VIISAGE TECHNOLOGY, INC., BERNARD C. BAILEY, WILLIAM K. AULET and DENIS K. BERUBE,</p> <p>Defendants.</p> <p>-----</p>	<p>Civil Action No. 1:05-CV-10475 (MLW)</p>
<p>-----</p> <p>JOHN FLYNN, on behalf of : himself and all others similarly situated,</p> <p>Plaintiff,</p> <p>- against -</p> <p>VIISAGE TECHNOLOGY, INC., BER BERNARD C. BAILEY, WILLIAM K. AULET, DENIS K. BERUBE, BUDDY G. BECK, MARCEL YON, THOMAS J. REILLY and CHARLES E. LEVINE,</p> <p>Defendants.</p> <p>-----</p>	<p>Civil Action No. 1:05-CV-10498 (MLW)</p>

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<p>MIN CHANG, on behalf of himself and all others similarly situated,</p> <p>Plaintiff,</p> <p>- against -</p> <p>VIISAGE TECHNOLOGY, INC., BER BERNARD C. BAILEY, WILLIAM K. AULET and DENIS K. BERUBE,</p> <p>Defendants.</p> <p>-----</p>	<p>Civil Action No. 1:05-CV-10537 (MLW)</p>
<p>JOSEPH MARGIN, on behalf of himself and all others similarly situated,</p> <p>Plaintiff,</p> <p>- against -</p> <p>VIISAGE TECHNOLOGY, INC., BER BERNARD C. BAILEY, WILLIAM K. AULET and DENIS K. BERUBE,</p> <p>Defendants.</p> <p>-----</p>	<p>Civil Action No. 1:05-CV-10577 (MLW)</p>
<p>WAYNE CLARK, on behalf of himself and all others similarly situated,</p> <p>Plaintiff,</p> <p>- against -</p> <p>VIISAGE TECHNOLOGY, INC., BER BERNARD C. BAILEY, WILLIAM K. AULET and DENIS K. BERUBE,</p> <p>Defendants.</p> <p>-----</p>	<p>Civil Action No. 1:05-CV-10578 (MLW)</p>

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DAPENG LUO, on behalf of himself and all others similarly situated, Plaintiff, - against - VIISAGE TECHNOLOGY, INC., BER BERNARD C. BAILEY, WILLIAM K. AULET and DENIS K. BERUBE, Defendants.	Civil Action No. 1:05-CV-10615 (MLW)
OLYMPIA LEVINSON STIEGELE, on behalf of herself and all others similarly situated, Plaintiff, - against - VIISAGE TECHNOLOGY, INC., BER BERNARD C. BAILEY, WILLIAM K. AULET and DENIS K. BERUBE, Defendants.	Civil Action No. 1:05-CV-10677 (MLW)
TURNBERRY ASSET MANAGEMENT on behalf of itself and all others similarly situated, Plaintiff, - against - VIISAGE TECHNOLOGY, INC., BER BERNARD C. BAILEY, WILLIAM K. AULET and DENIS K. BERUBE, BUDDY G. BECK, MARCEL YON, THOMAS J. REILLY and CHARLES E. LEVINE, Defendants.	Civil Action No. 1:05-CV-10725 (MLW)

RESPONSE TO MOTIONS TO CONSOLIDATE

Plaintiff, Olympia Levinson Stiegele, by and through counsel and for her Response to Motions to Consolidate does state:

1. On or about April 6, 2005 Plaintiff did file a derivative action for the benefit of Viisage Technology, Inc. against Bernard C. Bailey, Paul T. Principato, Peter Nessen, Thomas J. Reilly, B. G. Beck, Charles E. Levine and William K. Aulet. The action was styled as a Verified Shareholder Derivative Complaint, not as a class action.

2. At no time has the derivative action been consolidated with the number of cases alleging violations of the securities laws that were filed on a class-wide basis with this Court.

3. The causes of action alleged in the Verified Shareholder Derivative Complaint differ substantively from the allegations filed in the class action shareholder securities actions. As such, consolidation is not appropriate.

4. Counsel for Ms. Stiegele has contacted below counsel that have moved for consolidation and appointment of Lead Plaintiff in the following cases:

- a. Stephen D. Oestreich of Entwistle & Cappucci LLP, *Ernesto Darquea v. Viisage Technology, Inc., et al.*, Case No. 1:05-CV-10438-MLW;
- b. Chris Seeger of Seeger Weiss, LLP, *Ernesto Darquea v. Viisage Technology, Inc., et al.*, Case No. 1:05-CV-10438 (MLW) and *Gerald D. Broder v. Viisage Tecynology, Inc., et al.*, Case No. 1:05-CV-10475 (MLW); and
- c. Laurence D. Paskowitz of Paskowitz & Associates, *Ernesto Darquea v. Viisage Technology, Inc., et al.*, Case No. 1:05-CV-10438 (MLW).

Above-referenced counsel do not oppose this Response, nor do they seek to consolidate the derivative matter with the securities case.

WHEREFORE, premises considered, Plaintiff, Olympia Levinston Stiegele, prays this Court not consolidate her verified derivative action, case number 1:05-CV-10677-MLW with the pending securities class actions.

Respectfully Submitted,

Dated: May 20, 2005

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- and -

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*Attorneys for Plaintiff,
Olympia Levinson Stiegele*

CERTIFICATE OF MAILING

This certifies that on the 20th day of May, 2005, I caused a true and correct copy of the above and foregoing document to be mailed by U.S. Mail, with postage fully prepaid thereon, to the following parties:

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

<p>-----: : ERNESTO DARQUEA, on behalf of : himself and all others similar situated : : : Plaintiff, : : : - against - : : : VIISAGE TECHNOLOGY, INC., : BERNARD C. BAILEY, WILLIAM K. : AULET and DENIS K. BERUBE, : : : Defendants. : -----: :</p>	<p>Civil Action No. 1:05-CV-10438 (MLW)</p>
<p>-----: : GERALD D. BRODER, on behalf of : himself and all others similarly situated, : : : Plaintiff, : : : - against - : : : VIISAGE TECHNOLOGY, INC., : BERNARD C. BAILEY, WILLIAM K. : AULET and DENIS K. BERUBE, : : : Defendants. : -----: :</p>	<p>Civil Action No. 1:05-CV-10475 (MLW)</p>
<p>-----: : JOHN FLYNN, on behalf of : himself and all others similarly situated, : : : Plaintiff, : : : - against - : : : VIISAGE TECHNOLOGY, INC., BER : BERNARD C. BAILEY, WILLIAM K. : AULET, DENIS K. BERUBE, BUDDY G. : BECK, MARCEL YON, THOMAS J. : REILLY and CHARLES E. LEVINE, : : : Defendants. : -----: :</p>	<p>Civil Action No. 1:05-CV-10498 (MLW)</p>

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<p>MIN CHANG, on behalf of himself and all others similarly situated,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">- against -</p> <p>VIISAGE TECHNOLOGY, INC., BER BERNARD C. BAILEY, WILLIAM K. AULET and DENIS K. BERUBE,</p> <p style="text-align: center;">Defendants.</p> <p>-----</p>	<p>Civil Action No. 1:05-CV-10537 (MLW)</p>
<p>JOSEPH MARGIN, on behalf of himself and all others similarly situated,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">- against -</p> <p>VIISAGE TECHNOLOGY, INC., BER BERNARD C. BAILEY, WILLIAM K. AULET and DENIS K. BERUBE,</p> <p style="text-align: center;">Defendants.</p> <p>-----</p>	<p>Civil Action No. 1:05-CV-10577 (MLW)</p>
<p>WAYNE CLARK, on behalf of himself and all others similarly situated,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">- against -</p> <p>VIISAGE TECHNOLOGY, INC., BER BERNARD C. BAILEY, WILLIAM K. AULET and DENIS K. BERUBE,</p> <p style="text-align: center;">Defendants.</p> <p>-----</p>	<p>Civil Action No. 1:05-CV-10578 (MLW)</p>

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DAPENG LUO, on behalf of himself and all others similarly situated, Plaintiff, - against - VIISAGE TECHNOLOGY, INC., BER BERNARD C. BAILEY, WILLIAM K. AULET and DENIS K. BERUBE, Defendants.	Civil Action No. 1:05-CV-10615 (MLW)
OLYMPIA LEVINSON STIEGELE, on behalf of herself and all others similarly situated, Plaintiff, - against - VIISAGE TECHNOLOGY, INC., BER BERNARD C. BAILEY, WILLIAM K. AULET and DENIS K. BERUBE, Defendants.	Civil Action No. 1:05-CV-10677 (MLW)
TURNBERRY ASSET MANAGEMENT on behalf of itself and all others similarly situated, Plaintiff, - against - VIISAGE TECHNOLOGY, INC., BER BERNARD C. BAILEY, WILLIAM K. AULET and DENIS K. BERUBE, BUDDY G. BECK, MARCEL YON, THOMAS J. REILLY and CHARLES E. LEVINE, Defendants.	Civil Action No. 1:05-CV-10725 (MLW)

[PROPOSED] ORDER

NOW on this ____ day of _____, 2005, Plaintiff Olympia Levinson Stiegele's Response to Motions to Consolidate was heard. After reviewing the pleadings and other relevant matters, this Court hereby finds as follows:

THE COURT ORDERS, ADJUDGES AND DECREES that the case styled Olympia Levinson Stiegele, Plaintiff, on behalf of Viisage Technology, Inc., v. Bernard C. Bailey, *et al.*, Case No. 1:05-CV-10677-MLW, is a Verified Shareholder Derivative case and is not to be consolidated with the class action securities actions.

IT IS SO ORDERED this ____ day of May, 2005.

Mark L. Wolf, UNITED STATES
DISTRICT COURT JUDGE

APPROVED AS TO FORM:

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